

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

RODNEY DINGLE, #17004-016,

Petitioner,

v.

ACTION NO. 2:04cv537

VANESSA ADAMS,
Warden, Federal Correctional Institute,
Petersburg, Virginia,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241.

The petition alleges incorrect computation of petitioner's sentence, pertaining to petitioner's conviction for conspiracy to possess with intent to distribute 50+ grams of cocaine base on November 24, 1992, in the District Court for the Western District of Virginia, as a result of which he was sentenced to serve 188 months in the federal penal system.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. Report of the Magistrate Judge was filed on November 18, 2005, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to

the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the United States Magistrate Judge's Report and Recommendation and the time for filing same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed November 18, 2005, and it is, therefore ORDERED that the petition be DENIED and DISMISSED.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 60 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for the respondent.

/s/Rebecca Beach Smith

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

December 13, 2005